

CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Resolution Calling And Giving Notice Of The Holding Of A General Municipal Election To Be Held In The City On Tuesday, November 5, 2002, For The Election Of Certain Officers Of The City As Required By The Provisions Of The Laws Of The State Of California Relating To General Law Cities

MEETING DATE: May 15, 2002

PREPARED BY: City Clerk

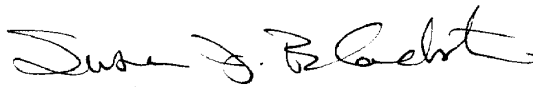
RECOMMENDED ACTION: That the City Council adopt a resolution calling and giving notice of the holding of a General Municipal Election to be held in the City on Tuesday, November 5, 2002, for the election of certain officers of the City as required by the provisions of the laws of the State of California relating to general law cities.

BACKGROUND INFORMATION: The 2002 General Municipal Election for three Council seats will be held Tuesday, November 5, 2002. The terms of Council Members Hitchcock, Nakanishi, and Pennino are expiring. By state statute a number of actions and decisions must be made by the Council prior to the opening of nominations.

It will be necessary for the City Council to adopt a resolution calling and giving notice of the holding of a General Municipal Election in the City of Lodi on November 5, 2002.

On October 19, 1988, the City Council adopted Ordinance No. 1438 consolidating Municipal Elections with state-wide General Elections. This Ordinance was approved by the San Joaquin County Board of Supervisors on February 7, 1989.

FUNDING: None required.



Susan J. Blackston
City Clerk

SJB/jmp

Attachment

APPROVED: _____
H. Dixon Flynn -- City Manager

RESOLUTION NO. 2002-106

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LODI, CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD IN THE CITY ON TUESDAY, NOVEMBER 5, 2002, FOR THE ELECTION OF CERTAIN OFFICERS OF THE CITY AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES

=====

WHEREAS, under the provisions of the laws relating to General Law Cities in the State of California, a General Municipal Election shall be held on Tuesday, November 5, 2002 for the election of municipal officers.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LODI, CALIFORNIA, DOES HEREBY RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:

SECTION 1. That, pursuant to the requirements of the laws of the State of California relating to General Law Cities within said State, there is called and ordered to be held in the City of Lodi, California, on Tuesday, November 5, 2002, a General Municipal Election for the purpose of electing the qualified three (3) members of the City Council of said City for the full term of four years.

SECTION 2. That the ballots to be used at the election shall be in form and content as required by law.

SECTION 3. That the City Clerk of the City of Lodi is authorized, instructed, and directed to procure and furnish any and all official ballots, notices, printed matter, and all supplies, equipment, and paraphernalia that may be necessary in order to properly and lawfully conduct said election.

SECTION 4. That the polls for the election shall be open at seven o'clock a.m. of the day of the election and shall remain open continuously from that time until eight o'clock p.m. of the same day when the polls shall be closed, except as provided in §14401 of the Elections Code of the State of California.

SECTION 5. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 6. That notice of the time and place of holding the election is given and the City Clerk is authorized, instructed, and directed to give further or additional notice of the election, in time, form, and manner as required by law.

SECTION 7. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

Dated: May 15, 2002

=====


I hereby certify that Resolution No. 2002-106 was passed and adopted by the City Council of the City of Lodi in a regular meeting held May 15, 2002 by the following vote:

AYES: COUNCIL MEMBERS – Howard, Land, Nakanishi, and Mayor Pennino

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – Hitchcock

ABSTAIN: COUNCIL MEMBERS – None


Susan J. Blackston
City Clerk

CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Approve Entering Into Contract With County Of San Joaquin For The County Registrar Of Voters To Provide Certain Services For The November 5, 2002 General Municipal Election

MEETING DATE: May 15, 2002


PREPARED BY: City Clerk

RECOMMENDED ACTION: That the City Council adopt a resolution approving the City entering into a contract with the County of San Joaquin for the County Registrar of Voters to provide certain services for the November 5, 2002 General Municipal Election.

BACKGROUND INFORMATION: The City Council on October 19, 1988, adopted Ordinance No. 1438 entitled, "An Ordinance Of The Lodi City Council Consolidating Municipal Elections With State-Wide General Elections". This Ordinance was adopted pursuant to Section 36503.5 of the State of California Government Code. Ordinance No. 1438 was approved by the San Joaquin County Board of Supervisors on February 7, 1989.

It is necessary for the City of Lodi to enter into an agreement with the County of San Joaquin to provide certain services in the conduct of the November 5, 2002 General Municipal Election. The City will reimburse the county for these services when the work is completed and upon presentation to the City of a properly approved bill.

FUNDING: None required.


Susan J. Blackston
City Clerk

SJB/jmp

Attachment

APPROVED: _____
H. Dixon Flynn -- City Manager

RESOLUTION NO. 2002-107

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LODI, CALIFORNIA, REQUESTING
THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN JOAQUIN TO RENDER
SPECIFIED SERVICES TO THE CITY RELATING TO THE CONDUCT OF A GENERAL
MUNICIPAL ELECTION TO BE HELD TUESDAY, NOVEMBER 5, 2002

=====

WHEREAS, a General Municipal Election is to be held in the City of Lodi, California, on
November 5, 2002; and

WHEREAS, in the course of conduct of the election, it is necessary for the City to request
services of the County; and

WHEREAS, all necessary expenses in performing these services shall be paid by the City
of Lodi.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LODI, CALIFORNIA,
DOES RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:

SECTION 1. That, pursuant to the provisions of §10002 of the Elections Code of the
State of California, this City Council requests the San Joaquin County Board of Supervisors to
permit the County Registrar of Voters' office to prepare and furnish to the City of Lodi all materials,
equipment, and services as agreed upon by the County Registrar of Voters and the City Clerk for
the conduct of the November 5, 2002 General Municipal Election.

SECTION 2. That the City shall reimburse the County for services performed when the
work is completed and upon presentation to the City of a properly approved bill.

SECTION 3. That the City Clerk is directed to forward without delay to the Board of
Supervisors and the County Registrar of Voters' office, each a certified copy of this resolution.

SECTION 4. That the City Clerk shall certify to the passage and adoption of this
resolution and enter it into the book of original resolutions.

Dated: May 15, 2002

=====

I hereby certify that Resolution No. 2002-107 was passed and adopted by the Lodi City
Council in a regular meeting held May 15, 2002 by the following vote:

AYES: COUNCIL MEMBERS – Howard, Land, Nakanishi, and Mayor
Pennino

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – Hitchcock

ABSTAIN: COUNCIL MEMBERS – None



Susan J. Blackston
City Clerk

CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: City Council Policy Regarding Impartial Analyses, Arguments, And Rebuttal Arguments For Any Measure(S) Brought Before The Voters At The November 5, 2002 General Municipal Election

MEETING DATE: May 1, 2002

PREPARED BY: City Clerk

RECOMMENDED ACTION: That the City Council adopt a resolution regarding impartial analyses, arguments, and rebuttal arguments for any measure(s) that may qualify to be placed on the ballot for the November 5, 2002 General Municipal Election.

BACKGROUND INFORMATION: The State of California Elections Code sets forth that whenever any city measure(s) qualifies for a place on the ballot, the governing body may direct the City Elections Official to transmit a copy of the measure(s) to the City Attorney for preparation of an impartial analysis. The Elections Code further sets forth the process for receiving arguments for and against the measure(s) and for the submittal of rebuttal arguments.

The City Council is hereby requested to adopt a resolution regarding impartial analyses, arguments for and against any measure(s), and for the submittal of rebuttal arguments as set forth in the State of California Elections Code for any measure(s) that may qualify to be placed on the ballot for the November 5, 2002 General Municipal Election.

FUNDING: None required.



Susan J. Blackston
City Clerk

SJB/jmp

Attachment

APPROVED: _____
H. Dixon Flynn -- City Manager

RESOLUTION NO. 2002-108

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LODI, CALIFORNIA,
SETTING FORTH THE COUNCIL'S POLICY REGARDING IMPARTIAL
ANALYSES, ARGUMENTS, AND REBUTTAL ARGUMENTS FOR ANY
MEASURE(S) THAT MAY QUALIFY TO BE PLACED ON THE BALLOT
FOR THE NOVEMBER 5, 2002 GENERAL MUNICIPAL ELECTION

=====

WHEREAS, the State of California Elections Code sets forth that whenever any city measure(s) qualifies for a place on the ballot, the governing body may direct the City Elections Official to transmit a copy of the measure(s) to the City Attorney for preparation of an impartial analysis. The Elections Code further sets forth the process for receiving arguments for and against the measure(s) and for the submittal of rebuttal arguments.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Lodi does hereby set forth the following as it pertains to any measure(s) that may qualify to be placed on the ballot for the November 5, 2002 General Municipal Election:

SECTION 1. The City Council of the City of Lodi does hereby direct the City Clerk to transmit a copy of any measure(s) that would qualify to be voted upon at the November 5, 2002 General Municipal Election to the City Attorney to prepare an impartial analysis of the measure(s), showing the effect of the measure(s) on the existing law and the operation of the measure(s).

SECTION 2. The City Council of the City of Lodi does hereby determine that written argument for or against any city measure may be submitted pursuant to the Elections Code of the State of California. No argument shall exceed 300 words in length.

SECTION 3. The City Council of the City of Lodi does hereby determine that rebuttal arguments may be submitted pursuant to the Elections Code of the State of California. Rebuttal arguments shall not exceed 250 words in length.

Dated: May 15, 2002

=====


I hereby certify that Resolution No. 2002-108 was passed and adopted by the City Council of the City of Lodi in a regular meeting held May 15, 2002 by the following vote:

AYES: COUNCIL MEMBERS – Howard, Land, Nakanishi, and Mayor
Pennino

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – Hitchcock

ABSTAIN: COUNCIL MEMBERS – None


Susan J. Blackston
City Clerk

CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Resolution Adopting Regulations for Candidates for Elective Office Pertaining to Candidates Statements Submitted to the Voters at an Election to be Held on Tuesday, November 5, 2002

MEETING DATE: May 15, 2002

PREPARED BY: City Clerk

RECOMMENDED ACTION: That the City Council adopt a resolution adopting regulations for candidates for elective office pertaining to candidates statements submitted to the voters at an election to be held on Tuesday, November 5, 2002.

BACKGROUND INFORMATION: The 2002 General Municipal Election for three Council seats will be held Tuesday, November 5, 2002. The terms of Council Members Hitchcock, Nakanishi, and Pennino are expiring. By state statute a number of actions and decisions must be made by the Council prior to the opening of nominations.

The California Elections Code allows each candidate, for a non-partisan elective office in a city, to prepare a statement to be included with the sample ballot and mailed to each registered voter.

The law requires the Council to adopt a policy no later than seven days before the nomination period opens regarding the candidates' statements and obligation for payment.

1. **Payment**

Elections Code §13307 allows the City to estimate the total cost of printing, handling, translating, and mailing the candidates' statements and requires each candidate filing a statement to pay in advance to the City his or her pro rata share as a condition of having his or her statement included in the voters' pamphlet. The cost of the candidates' statement may be borne by the City, the candidate, or the cost shared between them.

Due to rising election costs the most prudent course of action to take would be to charge candidates for the cost of printing, handling, translating, and mailing of their candidate's statement. Debby Hench, San Joaquin County Registrar of Voters, has estimated the 2002 general election cost for a candidate's statement of qualifications in English only at \$560, and for English and Spanish the cost estimate is \$1,205.

APPROVED: _____
H. Dixon Flynn -- City Manager

For your comparison, below are the candidates statement costs charged to the City of Lodi for the past three general elections, as well as an estimate for the 2002 election, assuming there are seven candidates:

Election Year	Number of Candidates	Cost for Candidates Statement of Qualification English/Spanish
2002	Seven (7) – estimate	\$8,435.00 – estimate
2000	Four (4)	\$2,551.00
1998	Nine (9)	\$4,755.33
1996	Six (6)	\$2,778.50

Candidates have the option of including their candidate's statement in the voters' pamphlet and are not required to do so. In a recent survey conducted of 75 cities in California, only nine (9) cities have opted to pay the cost of printing candidates' statements. Among the survey responses, arguments cited in favor of paying the fees were: "a desire not to restrict anyone from the electoral process" and "it allows a better playing field." Arguments against paying these fees included: "cities paying for candidates' statements can be considered campaigning with taxpayer money" and "a city picking up the cost is, in effect, making a contribution to every candidate (a gift of public funds)."

It is recommended that the City Council approve charging the candidates for the actual costs associated with the candidates' statements.


2. **Word Limit**

The Council may authorize an increase in the limitation on words for the candidate's statement from 200 to 400 words. It is recommended that the City Council not increase the word limitation, which has historically been set at 200 words.

3. **Spanish Language**

Federal law does not currently require Spanish translation in San Joaquin County. It is recommended that the City Council allow the City Clerk's Office to have translated and printed in the voters' pamphlet only the candidates' statements of those candidates who so request translation and printing and to charge candidates the actual costs to cover these services.

FUNDING: None required.


Susan J. Blackston
City Clerk

Attachment

RESOLUTION NO. 2002-109

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LODI, CALIFORNIA,
ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE
PERTAINING TO CANDIDATES STATEMENTS SUBMITTED TO THE VOTERS
AT AN ELECTION TO BE HELD ON TUESDAY, NOVEMBER 5, 2002

=====

WHEREAS, §13307 of the Elections Code of the State of California provides that the governing body of any local agency adopt regulations pertaining to materials prepared by any candidate for a municipal election, including costs of the candidates' statement.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LODI, CALIFORNIA, DOES HEREBY RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:

SECTION 1. GENERAL PROVISIONS. That pursuant to §13307 of the Elections Code of the State of California, each candidate for elective office to be voted for at an Election to be held in the City of Lodi on November 5, 2002, may prepare a candidate's statement on an appropriate form provided by the City Clerk. The statement may include the name, age, and occupation of the candidate and a brief description of no more than 200 words of the candidate's education and qualifications expressed by the candidate himself or herself. The statement shall not include party affiliation of the candidate, nor membership or activity in partisan political organizations. The statement shall be filed in the office of the City Clerk at the time the candidate's nomination papers are filed. The statement may be withdrawn, but not changed, during the period for filing nomination papers and until 5:00 p.m. of the next working day after the close of the nomination period.

SECTION 2. SPANISH LANGUAGE. The City Clerk shall have translated and printed in the voters pamphlet only the candidates' statements of those candidates who so request translation and printing.

SECTION 3. PAYMENT. No charge shall be levied to the candidates for the printing, handling, translation, and mailing the candidates' statements filed pursuant to the Elections Code.

SECTION 4. ADDITIONAL MATERIAL. No candidate will be permitted to include additional materials in the sample ballot package.

SECTION 5. That the City Clerk shall provide each candidate or the candidate's representative a copy of this resolution at the time nominating petitions are issued.

SECTION 6. That all previous resolutions establishing Council policy on payment for candidates' statements are repealed.

SECTION 7. That this resolution shall apply only to the election to be held on November 5, 2002 and shall then be repealed.

SECTION 8. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

Dated: May 15, 2002

=====

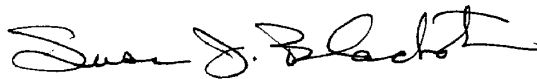
I hereby certify that Resolution No. 2002-109 was passed and adopted by the City Council of the City of Lodi in a regular meeting held May 15, 2002 by the following vote:

AYES: COUNCIL MEMBERS – Howard, Land, Nakanishi, and Mayor Pennino

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – Hitchcock

ABSTAIN: COUNCIL MEMBERS – None



Susan J. Blackston
City Clerk

CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Introduce Ordinance Determining That There Will Be A \$25 Filing Fee Charged For The Processing Of Candidates' Nomination Papers

MEETING DATE: May 15, 2002

PREPARED BY: City Clerk

RECOMMENDED ACTION: That the City Council introduce an ordinance determining that there will be a \$25 filing fee charged for the processing of candidates' nomination papers.

BACKGROUND INFORMATION: The 2002 General Municipal Election for three Council seats will be held Tuesday, November 5, 2002. The terms of Council Members Hitchcock, Nakanishi, and Pennino are expiring. By state statute a number of actions and decisions must be made by the Council prior to the opening of nominations.

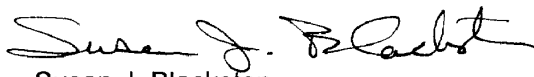
It will be necessary for the City Council to determine whether or not there will be a filing fee for nomination papers.

§10228 of the Elections Code of the State of California provides that a filing fee proportionate to the costs of processing a candidate's nomination papers as determined by the City Council and set by ordinance, but not exceeding twenty-five dollars (\$25), may be imposed, to be paid upon the filing of such nomination papers.

California courts have ruled that you may not refuse to place a candidate's name on the ballot due to an inability to pay the filing fee. If the fee cannot be waived, an alternative must be provided. Court guidelines are similar to Elections Code §8106 providing for the substitution of four additional signatures for each one dollar of the filing fee, or an additional one hundred signatures.

It is recommended that the City Council establish a filing fee of \$25 for the processing of candidates' nomination papers.

FUNDING: None required.


Susan J. Blackston
City Clerk

SJB/jmp

Attachments

APPROVED: _____
H. Dixon Flynn -- City Manager

DRAFT

ORDINANCE NO. ____

AN ORDINANCE OF THE LODI CITY COUNCIL ADDING
SECTION 1.12.030 TO THE LODI MUNICIPAL CODE
DETERMINING THAT THERE WILL BE A FILING FEE
OF \$25 CHARGED FOR THE PROCESSING OF
CANDIDATES' NOMINATION PAPERS

=====

THE CITY COUNCIL OF THE CITY OF LODI DOES ORDAIN AS FOLLOWS:

Section 1. Section 1.12.030 is added to the Lodi Municipal Code to read as follows:

Pursuant to §10228 of the Elections Code of the State of California, there is imposed a filing fee proportionate to the costs of processing a candidate's nomination papers in the amount of twenty-five dollars (\$25.00) to be paid upon the filing of such nomination papers.

Section 2. Said ordinance shall be in effect for all City-wide elections subsequent to the passage, approval, and effect of said ordinance.

Section 3. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

Section 4. This ordinance shall be published one time in the "Lodi News Sentinel", a daily newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect thirty days from and after its passage and approval.

Approved this ____ day of ____, 2002

PHILLIP A. PENNINO
Mayor

Attest:

SUSAN J. BLACKSTON
City Clerk

State of California
County of San Joaquin, ss.

I, Susan J. Blackston, City Clerk of the City of Lodi, do hereby certify that Ordinance No. _____ was introduced at a regular meeting of the City Council of the City of Lodi held _____, 2002 and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held _____, 2002 by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

I further certify that Ordinance No. _____ was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

SUSAN J. BLACKSTON
City Clerk

Approved as to Form:

RANDALL A. HAYS
City Attorney

CITY COUNCIL

PHILLIP A. PENNINO, Mayor
SUSAN HITCHCOCK
Mayor Pro Tempore
EMILY HOWARD
KEITH LAND
ALAN S. NAKANISHI

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 333-6702
FAX (209) 333-6807
cityclrk@lodi.gov

H. DIXON FLYNN
City Manager
SUSAN J. BLACKSTON
City Clerk
RANDALL A. HAYS
City Attorney

May 16, 2002

Deborah Hench
Registrar of Voters
P.O. Box 810
Stockton, CA 95201

RE: NOVEMBER 5, 2002 GENERAL MUNICIPAL ELECTION

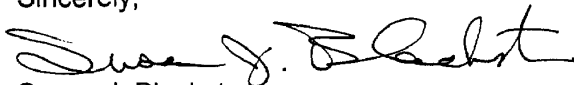
Attached please find certified copies of the following resolutions pertaining to the November 5, 2002 General Municipal Election, which were adopted by the Lodi City Council at its May 15, 2002 regular meeting:

- Resolution calling and giving notice of the holding of a General Municipal Election to be held in the City on Tuesday, November 5, 2002, for the election of certain officers of the City as required by the provisions of the laws of the State of California relating to General Law cities;
- Resolution requesting the Board of Supervisors of the County of San Joaquin to render specified services to the City relating to the conduct of a General Municipal Election to be held Tuesday, November 5, 2002;
- Resolution setting forth the Council's policy regarding Impartial Analyses, Arguments, and Rebuttal Arguments for any measure(s) that may qualify to be placed on the ballot for the November 5, 2002 General Municipal Election; and
- Resolution adopting regulations for candidates for elective office pertaining to candidate's statements submitted to the voters at an election to be held on Tuesday, November 5, 2002.

Further, the City Council introduced Ordinance No. 1712 adding Section 1.12.030 to the Lodi Municipal Code determining that there will be a filing fee of \$25 charged for the processing of candidates' nomination papers. A copy of the ordinance will be mailed to your office following its final reading and adoption at the next City Council meeting.

Should you have any questions regarding this matter, please feel free to give me a call.

Sincerely,


Susan J. Blackston
City Clerk

JMP

Enclosures

cc: San Joaquin County Board of Supervisors (+ encl.)